

10/076,135 filed 02/14/2002
Seth R. Stern et al.
Reply to Office Action of 09/30/2005

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REMARKS/ARGUMENTS

Claims 1–32 are pending in the above-captioned application, and all of these claims stand rejected. With this paper, claims 1, 7, and 13 have been amended, and claims 4–6, 12, and 21–32 have been canceled. No new matter was added with the amendment.

I. Claim rejections under 35 U.S.C. § 112, second paragraph

Claims 1–11 and 13–32 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The subject matter added with the previous Office action response has been canceled. Applicants believe claims 1–11 and 13–32 should now be found to comply with the requirements of 35 U.S.C. § 112, first paragraph.

II. Claim rejections under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, as obvious over Becker et al. (US 6,641,708)

Claim 12 was rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, as obvious over Becker et al. (US 6,641,708). Claim 12 has been canceled.

III. Claim rejections under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (US 6,641,708)

Claims 1–5, 8–11, and 22–25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (US 6,641,708). With regard to the currently amended claims, the rejection is respectfully traversed.

Applicants have amended claim 1 to include the limitations of claims 4–6. No new matter was added with the amendment. The Examiner stated in the August 24, 2004, Office action that claim 6 would be allowable over Becker et al. if rewritten in independent form including all of the limitations of the base claim (claim 1) and any intervening claims (claims 4 and 5). This indicated allowability was withdrawn with the September 30, 2005, Office action due to the alleged introduction of new matter to the claim. As indicated above, the alleged new matter has been eliminated from claim 1. Therefore, Applicants respectfully request withdrawal of the objection to currently amended claim 1 under 35 U.S.C. § 103(a). Applicants have canceled independent claim 22, while reserving the right to pursue the claim at a later time.

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Claims 2, 3, and 8-11 depend directly or indirectly from claim 1. Any claim depending from a nonobvious claim is also nonobvious. See MPEP § 2143.03 and *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, withdrawal of the rejection of dependent claims 2, 3, and 8-11 under 35 U.S.C. § 103(a) is respectfully requested. Applicants have canceled claims 23-25, while reserving the right to pursue these claims at a later time.

IV. Claim rejections under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (US 6,641,708) in view of Witt et al. (US 5,645,702)

Claims 13-20 and 26-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (US 6,641,708) in view of Witt et al. (US 5,645,702). With regard to the currently amended claims, the rejection is respectfully traversed.

Independent claim 13 has been amended to include the limitations of claim 21. No new matter was added with the amendment. The Examiner stated in the August 24, 2004, Office action that claim 21 would be allowable over Becker et al. in view of Witt et al. if rewritten in independent form including all of the limitations of the base claim (claim 13) and any intervening claims (no claims intervene). This indicated allowability was withdrawn with the September 30, 2005, Office action due to the alleged introduction of new matter to the claim. As indicated above, the alleged new matter has been eliminated from claim 13. Therefore, Applicants respectfully request withdrawal of the objection to this claim under 35 U.S.C. § 103(a). Independent claim 26 has been canceled.

Claims 14-20 depend directly or indirectly from currently amended independent claim 13. As any claim depending from a nonobvious claim is also nonobvious, withdrawal of the rejection of dependent claims 14-20 under 35 U.S.C. § 103(a) is respectfully requested. Dependent claims 27-32 have been canceled.

Applicants wish to point out that claim 7 has been amended to maintain proper dependency and to eliminate extraneous words. No new matter was added with the amendment.

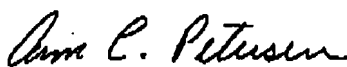
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Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner believes that a telephone interview would expedite the examination of this application, the Examiner is requested to contact the undersigned attorney at the telephone number provided below.

Respectfully submitted,



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Signed: _____

